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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,170	06/30/2003	Li Li	10460-US-PA	1169
31561 7590 01/31/2008 JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 01/31/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,170	<b>Applicant(s)</b> LI ET AL.	
	<b>Examiner</b> Melur Ramakrishnaiah	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 7, 9-10, 12, 14 are rejected under 35 U.S.C 102(e) as being anticipated by Moriki (US2003/0013491A1, filed 7-12-2002).

Regarding claim 1, Moriki discloses a recovery method for mobile phone data, suitable for using between a first mobile phone (1, fig. 1) and a second mobile phone (used by user 5: paragraph: 0047), wherein the first mobile phone comprises a control module (10, fig. 2) and recovery module (this function is provided by the control module 10 in fig. 2), and the recovery method comprises the steps of: setting and saving a start password in the first mobile phone, activating the control module, the first phone receiving a news letter from the second mobile phone, wherein news letter comprises a password (reads on control code), a telephone number of the second mobile telephone, and data type (paragraph: 0041, 0047; figs. 3-4), and data type, and if the password is same as the start password (reads on control code), activating the recovery module, and sending back a returned news letter to the second mobile phone (used by the user 5 in fig. 1), wherein returned news letter includes a data of the data type (paragraphs: 0047-0048).

Regarding claim 10, Moriki discloses a recovery method for mobile phone data, suitable for using between a first mobile phone (1, fig. 1) and a second mobile phone (used by user 5: paragraph: 0047), wherein the first mobile phone has set up and saved a start password (reads on control code: paragraphs: 0047; 0053), and a control module (10, fig. 2) inside the first mobile phone, and the recover method comprises the steps of: the second mobile phone (used by user 5: paragraph: 0047) sending news letter (reads on control information send to the mobile phone 1) to the first mobile phone (1, fig. 1), wherein the news letter comprises a password, a telephone number of the second mobile phone, and data type, if the password is the same as the start password, the second mobile phone receives a returned news letter (reads on personal data) from the first mobile phone, and if returned letter includes a data of the data type, the data is saved (paragraphs: 0047-0048; 0041).

Regarding claims 3-4, 7, 9 and 12, 14 Moriki further teaches the following: the password is set in a password setup module of the first mobile phone, the start password is saved in a password storage of the first mobile phone (paragraph: 0053), the data type is a telephone directory type (paragraph: 0035), data type is a user defined type (reads on outgoing call history data, incoming call history data: paragraph: 0035).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moriki in view of Helle (US PAT: 6,662,023, filed 7-6-2000).

Moriki differs from claim 2 in that he does not specifically teach: if the password is different from the start password, the first mobile phone normally displays the news letter.

However, Helle discloses method and apparatus for controlling and securing mobile phone that are lost or stolen which teaches the following: displaying news letter as shown in fig. 4 if security code does not match (col. 3 lines 16-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Moriki's system to provide for the following: if the password is different from the star password, the first mobile phone normally displays the news letter as this arrangement would facilitate to display a warning message to the user as taught by Helle.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriki in view of Trivedi et al. (US PAT: 6,570,789, filed 12-29-2000, hereinafter Trivedi).

Moriki differs from claims 5-6 in that although he discloses memory (14, fig. 1) in the mobile telephone, he does not specifically teach: memory is a non-volatile memory wherein non-volatile memory is a flash memory.

However, Trivedi teaches the following: memory is a non-volatile memory wherein non-volatile memory is a flash memory (col. 1 lines 12-15).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Moriki's system to provide for the following: memory is a non-volatile memory wherein non-volatile memory is a flash memory as this arrangement would provide for permanent storage of important critical information as is well known in the art.

6. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriki in view of Aisenberg (US 2004/0116155A1, filed 12-12-2002).

Moriki differs from claims 8 and 13 in that he does not teach: data type is a calendar type.

However, Aisenberg discloses cellular telephone back-up and media system which teaches: data type is a calendar type (page 2: right hand column, lines 5-8).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Moriki's system to provide for the following: data type is a calendar type as this arrangement would facilitate to store important personal data in the mobile phone as taught by Aisenberg.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moriki.

Moriki differs from claim 11 in that although he teaches obtaining news letter such as personal data from lost mobile phone 1 after making a call from a second

mobile phone (paragraphs: 0047-0048), he does not specifically teach: if the returned news letter does not include a data type, the second mobile phone continuously sends news-letter back to the first mobile phone until the returned news letter includes the data of the data type. However, it would have been obvious to one of ordinary skill in the art at the time invention was made to adapt this procedure in order to make sure that the desired data is obtained from the lost mobile telephone so that data is definitely backed up.

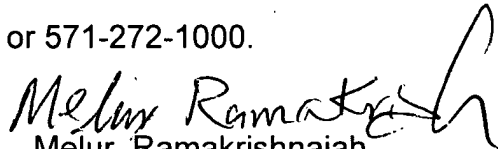
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614